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F.# 2009R02161

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

IN THE MATTER OF AN APPLICATION FOR
A SEARCH WARRANT FOR THE PREMISES
KNOWN AND DESCRIBED AS A SILVER
AND BLACK FLIP CELLPHONE, SAMSUNG
MODEL SGH-A107, SERIAL NO.
RPEBA54395V, INVOICED AS
PROPERTY EVIDENCE #5590336

AFFIDAVIT IN SUPPORT
OF SEARCH WARRANT

X

EASTERN DISTRICT OF NEW YORK, SS:

BRIAN COLICA, being duly sworn, deposes and states that he is
a Special Agent with Department of Homeland Security, Homeland Security
Investigations, duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to
believe that there is located in THE PREMISES KNOWN AND DESCRIBED AS A
SILVER AND BLACK FLIP CELLPHONE, SAMSUNG MODEL SGH-A107, SERIAL NO.
RPEBA54395V, INVOICED AS PROPERTY EVIDENCE #5590336 (the "SUBJECT
PREMISES"), within and, if technically required, outside the
Eastern District of New York, certain property, to wit, telephone
numbers, texts, images, voicemail messages, and message and call
logs, which constitute evidence, fruits and instrumentalities of wire
fraud, wire fraud conspiracy and money laundering, in violation of Title
18, United States Code, Sections 1343, 1349 and 1957, respectively.

The source of your deponent's information and the grounds for
his belief are as follows:

1. I am a Special Agent of Department of Homeland
Security, Homeland Security Investigations ("HSI") assigned to
the New York Office.

2. During my tenure with HSI, I have participated in numerous white collar fraud investigations, and have participated in all aspects of these investigations, including conducting surveillance, debriefing defendants and informants, interviewing witnesses, analyzing information obtained from court-ordered pen register/trap and trace intercepts, monitoring wiretapped conversations of subjects committing fraud, and reviewing line sheets prepared by wiretap monitors. Through my training, education and experience, I have become familiar with (a) the manner in which frauds are committed; (b) the methods used by persons committing fraud to launder the proceeds of their criminal activities; and (c) the efforts of persons involved in such activity to avoid detection by law enforcement.

3. I am familiar with the facts and circumstances of the investigation set forth below through discussions with other agents and officers of HSI and other law enforcement agents. Because this affidavit is being submitted for the limited purpose of establishing probable cause to search, it does not include all of the facts that I have learned during the course of this investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

PROBABLE CAUSE

4. HSI, working other federal law enforcement agencies, has conducted an extensive investigation into the fraud and money laundering activities of Peter Liounis and several co-conspirators. Through the investigation, HSI has determined that between approximately December 2008 and April 2012, Liounis and his co-conspirators executed three successive fraudulent investment schemes through which they obtained millions of dollars from investors based on false promises about investment opportunities.

in evidence.

5. On April 17, 2012, Liounis was arrested at his residence in Staten Island by HSI and other federal agents pursuant to an arrest affidavit and complaint charging him with wire fraud. See United States v. Peter Liounis, M-12-0379 (copy attached). Through the investigation, HSI determined that Liounis and his co-conspirators regularly used cellular phones to perpetrate their fraudulent schemes, including communicating via calls and texts with each other and with victim-investors. Id.

6. At the time of his arrest, Liounis was in possession of the SUBJECT PREMISES. Liounis told federal agents that the SUBJECT PREMISES belonged to him and that he had used it

to communicate with co-conspirators in executing the fraudulent investment schemes with which he has been charged.¹

7. The SUBJECT PREMISES was seized by HSI agents at the time of Liounis's arrest on April 17, 2012, and has been maintained at HSI's Property Clerk at its New York Office since that time. The SUBJECT PREMISES is vouchered under Property Evidence # 5590336.

8. Although the SUBJECT PREMISES was found and seized in this district, I am seeking authorization, pursuant to Rule 41(e)(2)(B), to conduct the search of the SUBJECT PREMISES at HSI's New York Office in Manhattan or elsewhere outside this district. I make this request, in part, because the examination of the SUBJECT PREMISES may require HSI to employ equipment or techniques only available at its New York Office or at an off-site location to scan or copy the electronic media and information stored in the SUBJECT PREMISES.


CONCLUSION

9. WHEREFORE, your deponent respectfully requests that a search warrant be issued for THE PREMISES KNOWN AND DESCRIBED AS A SILVER AND BLACK FLIP CELLPHONE, SAMSUNG MODEL SGH-A107, SERIAL NO. RPEBA54395V, INVOICED AS PROPERTY EVIDENCE #5590336, within and, if

¹ Although the investigation in this case involved the use of several wiretaps, no wiretap was obtained for the SUBJECT PREMISES. While the agents believed based on intercepted conversations that Liounis was using another cellphone to communicate with co-conspirators, they could not identify that number or obtain that cellphone until Liounis's arrest.

technically required, outside the Eastern District of New York, certain property, to wit, telephone numbers, texts, images, voicemail messages, and message and call logs, which constitute evidence, fruits and instrumentalities of wire fraud, wire fraud conspiracy and money laundering, in violation of Title 18, United States Code, Sections 1343, 1349 and 1957.

Dated: Brooklyn, New York
May 3, 2012



BRIAN COLICA
Special Agent
Homeland Security Investigations

Sworn before me this
3rd day of May, 2012

THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK